

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-4, 6-11, and 13-30 are pending in the application, with claims 1, 8, 15, and 20 being the independent claims. Claims 5 and 12 were previously canceled. No new matter has been added.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-4, 8-11, 15, 16, 20-22, and 26-28

In section 5 of the Office Action, claims 1-4, 8-11, 15, 16, 20-22, 26, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,459,703 B1 to Grimwood *et al.* (hereinafter "Grimwood") in view of U.S. Patent No. 4,926,420 to Shimizu (hereinafter "Shimizu"). Based on the following remarks, Applicants respectfully traverse this rejection.

Claim 1 calls for distinguishing transmissions from said first group of remote devices from transmissions from said second group of remote devices based on said time slot assignments.

In section 7 of the Office Action, the Examiner alleges that, based on Col. 7, lines 49-66, Col. 9, lines 47-51, Col. 10, line 45 - Col. 11, line 17, Col. 13, lines 7-53, and Figures 3 and 4 of Grimwood, the CMTS must distinguish the bursts from the SCDMA modems from the bursts from the TDMA modems based on the minislot assignments. Applicants respectfully disagree with this assertion.

In fact, Grimwood specifically states, "The CMTS uses the *SIDs* in these bandwidth requests to look up each RU to determine if it is a 1.0 modem capable of TDMA only or a 1.2 modem capable of either TDMA or SCDMA." Grimwood, Co. 9, lines 55-58 (*emphasis added*). Nowhere does Grimwood teach or even suggest distinguishing transmissions from said first group of remote devices from transmissions from said second group of remote devices based on said time slot assignments, as set forth in Applicants' claim 1.

The material cited by the Examiner in Grimwood describes a process in which CMTS 10 processes bandwidth requests received from remote units (RUs) 22-32 to make awards of minislots to TDMA modems and minislots and spreading codes to SCDMA modems. Grimwood, Col. 9, lines 47-51. CMTS 10 uses the SIDs in the bandwidth requests to look up each RU to determine whether it is a 1.0 modem capable of TDMA only or a 1.2 modem capable of either TDMA or SCDMA. Grimwood, Col. 9, lines 55-58. Thus, Grimwood distinguishes between groups of remote devices by looking at a unique identifier associated with each remote device (i.e., a SID) to determine whether the remote device is in a first group (i.e., DOCSIS 1.0 modem) or a second group (i.e., DOCSIS 1.2 modem). In contrast, the present invention distinguishes based on time slot assignments.

With respect to the portions of Grimwood cited by the Examiner, those portions merely describe a conventional DOCSIS process of awarding minislots, except that a null SID is used in the MAP messages for the logical channels. For instance, Grimwood states, "What is new is the use in the MAP message for the two logical channels of a null SID...." Grimwood, Col. 12, lines 10-11. The null SID is not assigned to any modem in

the MAP messages. The null SID forces the TDMA RUs to be silent during the SCDMA intervals and forces the SCDMA RUs to be silent during the TDMA intervals.

Grimwood, Col. 12, lines 11-14. Applicants assert that using a null SID as set forth in Grimwood is not the same as distinguishing transmissions from said first group of remote devices from transmissions from said second group of remote devices based on said time slot assignments, as set forth in Applicants' claim 1. Moreover, Applicants reiterate that nothing in Grimwood even suggests this feature.

Applicants assert that Shimizu does not provide the teachings missing from Grimwood. Thus, Applicants assert that independent claim 1 is patentable over Grimwood and Shimizu, alone or in any rational combination.

Independent claims 8, 15, and 20 also distinguish over Grimwood and Shimizu, alone or in any rational combination, for reasons similar to those set forth above with respect to independent claim 1, and further in view of their own respective features.

Moreover, claims 2-4 and 26, which depend from independent claim 1, claims 9-11, which depend from independent claim 8, claims 16 and 28, which depend from independent claim 15, and claims 21-22, which depend from independent claim 20, also distinguish over Grimwood and Shimizu, alone or in any rational combination, for reasons similar to those set forth above with respect to independent claim 1, and further in view of their own respective features.

Claim 27, which depends from independent claim 8, was not specifically rejected in the Office Action. Nevertheless, Applicants assert that claim 27 also distinguishes over Grimwood and Shimizu, alone or in any rational combination, for reasons similar to

those set forth above with respect to independent claim 1, and further in view of its own features.

Therefore, for at least the reasons set forth above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4, 8-11, 15, 16, 20-22, and 26-28.

Claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30

In section 6 of the Office Action, claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grimwood in view of Shimizu and further in view of U.S. Patent No. 6,751,230 to Vogel *et al.* (hereinafter "Vogel"). Based on the following remarks, Applicants respectfully traverse this rejection.

Claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30 also distinguish over Grimwood and Shimizu, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 1, and further in view of their own respective features. Applicants assert that Vogel does not remedy the deficiencies of Grimwood and Shimizu. Thus, Applicants assert that claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30 are patentable over Grimwood, Shimizu, and Vogel, alone or in any rational combination.

Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6, 7, 13, 14, 17-19, 23-25, 29, and 30.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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